

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Case No. 05-40050-FDS
v.)
)
JAMES J. SCAVONE, JR., executor)
of the Estate of James J. Scavone,)
Sr., and as Trustee of the)
Scavone Realty Trust,)
)
PATRICK F. SCAVONE, Trustee of)
the Scavone QTIP Trust,)
)
MARY M. DURETTE, Trustee of the)
Scavone QTIP Trust, and)
)
PHILLIP L. SCAVONE, Trustee of)
the Scavone QTIP Trust,)
)
Defendants.)

LOCAL RULE 16.1(D) JOINT STATEMENT

The parties, through undersigned counsel submit this Joint Statement in accordance with local rule 16.1(d).

General Statement of the Case

The United States has brought this action to reduce unpaid estate tax assessments against the Estate of James J. Scavone, Sr. to judgment by suing James J. Scavone, Jr. in his capacity as the Executor of the deceased's estate.

The United States amended the complaint to foreclose its federal tax lien arising from the estate tax liability on a piece of real property on Whisper Drive in Worcester. There is no dispute that the federal tax lien attaches to the real property

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on Whisper Drive. The amount of the federal tax lien is less than the equity in the real property.

There is a dispute as to whether the real property is properly titled in the name of the Estate of James J. Scavone, the Scavone Realty Trust or the Scavone QTIP Trust. Thus, it appears there will be a dispute as to which entity is entitled to the surplus proceeds following the satisfaction of the federal tax lien.

Patrick F. Scavone has not answered or otherwise responded to the Complaint. James J. Scavone, Jr. has not answered or otherwise responded, but has discussed this matter with government counsel.

1. Discovery Plan

- (a) all fact discovery shall be completed by April 30, 2006;
- (b) there is no need for phased discovery.

2. Motion Schedule

- (a) All dispositive motions shall be filed by May 31, 2006.

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3. Alternative Dispute Resolution

The parties do believe that alternative dispute resolution is feasible in this case at this time.

For James J. Scavone, Jr.,
*Executor of the Estate of
James J. Scavone, Sr., and as
Trustee of the Scavone Realty
Trust:*

/s/ James J. Scavone, Jr.
signed with permission

James J. Scavone, Jr.
103 Teele Road
Bolton, MA 01740

For United States of America:

/s/ Stephen J. Turanchik

Stephen J. Turanchik, Esq.
U.S. Department of Justice
Tax Division, P.O. Box 55
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(202) 307-6565

For Phillip L. Scavone,
*Trustee of the Scavone QTIP
Trust:*

/s/ Barry A. Bachrach
signed with permission

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For Mary M. Durette,
*Trustee of the Scavone QTIP
Trust:*

/s/ Barry A. Bachrach
signed with permission

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